

Al Rajhi Bank الراجحي



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

CR 05-60008-02-HO

v.

PIROUZ SEDAGHATY

DECLARATION OF
AL-KHOLAIFI AHMED SALEH

Defendant

In re AL RAJHI BANK SUBPOENA

**AL RAJHI BANKING &
INVESTMENT CORP,
Real party in interest**

Respondent.



I, Al-Kholaifi Ahmed Saleh, hereby declare and state as follows:

1. I am the head of the legal department at Al Rajhi Banking & Investment Corporation (the “Bank”). As the head of the legal department, I am charged with ensuring that Bank complies with all relevant laws and regulations of Saudi Arabia. I am also charged with assessing legal risks faced by the Bank in the Saudi Arabia and abroad, and their potential impact on the business of the Bank.
2. The laws of Saudi Arabia prohibit the Bank from complying the administrative subpoena served by the United States Department of Justice on July 17, 2009 without the prior approval and cooperation of its regulator, the Saudi Arabia Monetary Authority (“SAMA”). The Bank has requested permission from SAMA, and SAMA has instructed the Bank that it may not comply with the Subpoena and that it will face the risk of criminal prosecution if it does so. Based on my experience with SAMA, and SAMA’s letter to the Bank, I believe SAMA would impose severe sanctions on the Bank if it were to comply with the Subpoena. Such criminal prosecution could have a devastating effect on the Bank’s operations in Saudi Arabia.
3. The Bank’s correspondent relationships with U.S. banks are essential for transactions with, or involving U.S. entities. Termination of these correspondent relationships, particularly if ordered by the U.S. Government, would cause irreparable harm to the Bank’s ongoing business activities. It would also cause the Bank immense and costly reputational harm.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: February 7, 2010

Respectfully submitted,

Ahmed Al-Kholaifi
Al Rajhi Banking & Investment Corporation